

DEPOSITION OF MICHAEL CANNON 12/14/2007 CCR# 1546-1 Page 151

1 A The buckets are set up 2007, '6, '5, 4, '3,
2 '2, that way. We have folks working on 2002. We have
3 folks working on 2003. I don't -- I can't say for sure
4 we have folks assigned to work buckets in 2004, simply
5 because there's too much work in 2002 and 2003.

6 Q And why are there people working on 2003 if
7 there are still people left in 2002 from 2002?

8 A Because one of the things we have in place
9 are -- you may have read about it -- we are focusing on
10 creating teams that process name checks with only one
11 hit. They call them the one-hit wonders, so to speak.
12 We can tell if a name check only has one file
13 associated with it.

14 And there would only be a limited number. If
15 you have a group of folks working on a one-hit team,
16 you would have a limited number of folks working in the
17 2002s because it would be a limited number.

18 Q When you had cases --

19 A If you had your team working on the one hits,
20 you'd have them working on the ones in 2003.

21 Q Because there aren't that many one hits for
22 2002?

23 A Uh-huh.

24 Q Would you agree that delays in name checks
25 mean that anyone who is the subject of a name check

EXHIBIT Q

**WRITTEN TESTIMONY PREPARED FOR
EMILIO T. GONZALEZ, DIRECTOR
U.S. CITIZENSHIP AND IMMIGRATION SERVICES**

**FOR A HEARING ON
“NATURALIZATION DELAYS:
CAUSES, CONSEQUENCES AND SOLUTIONS”**

**BEFORE
THE HOUSE JUDICIARY COMMITTEE
SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, REFUGEES, BORDER
SECURITY, AND INTERNATIONAL LAW**

JANUARY 17, 2008

Introduction

Chairwoman Lofgren, Ranking Member King and Members of the Subcommittee, thank you for the opportunity to appear before you today to testify about the work U.S. Citizenship and Immigration Services (USCIS) is conducting to manage the dramatic increase in applications and petitions received in the summer of 2007. Mr. Jonathan Scharfen, Deputy Director of USCIS, is accompanying me.

Today, I will share with you how we are addressing this challenge by energizing our agency to handle this incredible task. Our plan focuses on the following areas, which will have an immediate impact on our workload:

- Staffing through multiple approaches, including but not limited to increasing the allowable overtime for key functions during the first half of this calendar year in anticipation of productive personnel coming onboard later this year;
- Enhancing our training programs to meet the demands of a fast-growing workforce that needs to be both productive and well-equipped to deliver high-quality immigration services;
- Incorporating creative approaches to our adjudication processes by increasing output without negatively impacting quality; and
- Increasing efficiencies through the use of improved information technology.

Our goal is to resolve this current processing delay as immediately as possible without taking shortcuts in the process that compromise national security or the agency's integrity.

I will frame our discussion around five themes:

1. I will describe the challenge, to include the nature and dimensions of the surge;
2. I will explain what we have done to date;
3. I will explain what we are planning to do in the future;
4. I also will share with you what we will not do, in particular, not compromising integrity for the sake of production; and finally
5. I will tell you where these actions will take us in terms of processing times.

The Challenge

In the summer of 2007, we received in excess of three million applications and petitions for immigration benefits. Such volume in just a short couple of months is unprecedented in the history of immigration services of our nation. (See attached chart).

Historically, there have been increases in naturalization filings in advance of fee increases, Presidential elections, immigration debates, and new legislation. Still, none of the past increases compare to the magnitude of the surge we experienced this summer. Most surges relating to a fee increase are followed by a commensurate dip in filings, so that annual numbers generally even out. This is unlikely to be the case this year. Additionally, this naturalization filing increase was contemporaneous with the opening of the employment-based visa window in the July Visa Bulletin, a window that had not been

opened fully in many years. USCIS received approximately 300,000 adjustment of status applications this summer. With the related work authorization and travel document requests, this workload equates to approximately 800,000 applications.

In June, July and August alone, over three million immigration benefit applications and petitions of all types were received, compared to 1.8 million applications and petitions received in the same period the previous year. In Fiscal Year 2007, USCIS received nearly 1.4 million applications for naturalization, nearly double the volume received the fiscal year before. For the months of June and July 2007, the spike in naturalization applications represented an increase of nearly 350 percent compared to the same period in 2006. This was a significant surge, as our chart illustrates.

Please understand that at USCIS we view the surge as very good news in that applicants for these immigration benefits are demonstrating a deep desire to participate fully in our country's civic life. This is a good thing. Applying for citizenship and immigration benefits is more than an administrative process; it is a life-changing event. At USCIS, we are committed to providing immigration services and benefits to eligible applicants as expeditiously as possible.

What We Have Done to Date

We immediately implemented steps to manage this new workload. As an agency, our first priority was to accept filings and provide applicants with proper receipt notices as quickly and efficiently as possible. In an average month, USCIS receipts are about 530,000. The three million applications and petitions received in June, July and August, 2007, initially exceeded our capacity. We addressed this sudden increase by expanding work hours, adding shifts, and detailing 84 staff to our Service Centers. We also hired additional contract staff. As early as June of 2007, recognizing the impact that a receipt delay would have on customers, USCIS began advising the public on our website regarding the status of receipting progress. Since then, we have also published and updated "Frequently Asked Questions" on the USCIS website, participated in various community forums, and updated our customer service hotline with information to respond to questions from the public.

Due to these measures and the truly remarkable efforts made by employees at our Service Centers, we were able to meet our commitment to process employment authorization cards for individuals within the 90-day regulatory requirement. We resolved the receipt delay for adjustment-of-status applications by November, with all remaining naturalization receipt delay cases completed earlier this month. We currently are receipting pending Form I-130s, Petitions for Alien Relatives, filed in a Lockbox in October, but expect to complete this receipting by early February.

At the same time, we began to work on a response plan that would address the workload beyond this first stage. The plan is constructed with innovative approaches to maximize our resources and relies on our most valuable resource—human capital—while also leveraging technology and instituting key process changes. Fortunately, we were able to

build upon the foundation of planning and work that was designed to implement the new fee rule. The new fee rule was designed to provide necessary funding for the agency to continue strengthening the security and integrity of the immigration system, improving customer service, and modernizing business operations for the 21st century. To that end, we began to work on new paradigms for hiring and training and are prepared to hire and train quality employees at a faster rate than previously available.

Under the new fee structure, USCIS has begun hiring 1,500 new employees, of which 723 are adjudicators. These adjudicators will be trained through our newly created BASIC immigration training program, which includes both classroom training and on-site practicum at the National Benefits Center, a Service Center and a District Office. In the past, we had trained one class of 24 students at a time at the Federal Law Enforcement Training Center. This year, we are utilizing commercial training facilities where we will be able conduct six classes of 48 students concurrently on a rolling basis. The new capacity will support bringing well-trained new hires on board as quickly as possible. Classroom training will occur at select USCIS Academy Training Center locations throughout 2008 and into 2009.

Initial announcements for new positions were posted in USAJOBS.gov on October 26, 2007. That announcement attracted more than 10,000 applicants in only six days. To date, we have hired more than 580 permanent staff, including more than 274 adjudicators. Almost 70 were temporary staff already trained and have successfully transferred to permanent positions. USCIS is also using Federal Career Intern Program hiring authority to fill Adjudications Officer positions. More than 173 selection certificates have been provided to managers in the locations where new hiring will take place.

In addition, the Office of Personnel Management has approved our request to authorize us to re-hire experienced annuitants to further bolster our workforce with temporary staff. This authority will help us meet hiring goals upon which our production plan is based. To the extent that an annuitant has the ability to be productive more quickly than a new hire, we anticipate that use of annuitants would reduce processing times. There is a database with the capability to identify former USCIS personnel. We have identified 704 former USCIS employees through our database who have retired. Of those, 469 individuals were in adjudication-related positions. Also, the other immigration agencies have databases for former employees who at one time worked for legacy INS.

In addition, we will employ the more traditional methods of managing a large workload by asking current staff to continue working additional overtime and shift work and detailing employees to areas that have been most heavily impacted by the surge. By maximizing use of overtime early in the year, we hope to boost productivity with existing employees while we work on bringing the new employees on board.

We realize that such a sustained effort associated with managing this workload will require continuous communication with our employees and stakeholders. Agency-wide communications from senior leadership have kept employees and stakeholders informed about the agency's application surge situation, including steps being undertaken to

remedy the delays, and reinforcing expectations for integrity in processing applications. Similarly, USCIS field operations and Service Center teams meet regularly to discuss the workload impact and work together on opportunities for operational efficiencies and adhering to processing guidelines. We intend to continue this communication to keep customers and key USCIS stakeholders informed of our progress as we address the backlog.

What We Will Do

Our response plan has three core elements to address the surge: staffing, technology, and process improvements.

As part of our efforts to transform the agency from a paper-based environment to an electronic environment, we have identified technological initiatives that will have a lasting positive impact on adjudication processes. In Fiscal Year 2008, we plan to expand on the Systems Qualified Adjudication process, an automated process for certain application where individuals are already qualified and in the USCIS database. These will include, for example, replacement of an expired permanent resident card or temporary employment authorization.

Systems Qualified Adjudication has been very successful in completing the processing of Temporary Protected Status renewal applications, and we want to leverage this success. While these technologies will not be applied to naturalization applications, the efficiencies gained will allow for a greater amount of adjudications efforts to be placed on naturalization. Other technology enhancements include improving the background check process and the capability to produce system-generated Naturalization Certificates.

We are also adjusting some administrative procedures. We plan to centralize the intake of naturalization applications to a Lockbox and move the pre-processing of these applications to the National Benefits Center. This will improve the consistency of service throughout the country by standardizing intake processing. USCIS is reviewing the naturalization examination process to determine whether any additional efficiency can be achieved, including the possibility of having a USCIS officer, other than an adjudications officer, administer the civics and history test. By making such adjustments, however, more adjudicator time would be available to concentrate on adjudicating cases, improving their ability to make sound decisions, and to focus on fraud detection.

The surge plan anticipates hiring close to 1,800 individuals. This includes extending about 370 temporary staff to permanent positions, nearly 900 Federal employees and more than 500 contractors, all in addition to those we planned to hire under the fee rule. We will also hire more temporary adjudication officers, and administrative and information technology support staff. We will build on the recruitment and hiring already underway to hire these new employees.

With respect to resources, we plan to utilize and spend over two years worth of fee revenue generated by surge applications estimated at \$450 million and \$480 million. A

response plan detailing the use of these dollars is currently being considered by the appropriation committees.

What We Will Not Do

It is important that everyone appreciate what we will not do. We will not forsake integrity and sound decision making in favor of increased productivity, or compromise national security. Similarly, we will not lose momentum on transformation and other technology enhancements.

Since its inception in March 2003, USCIS has operated under a business approach that emphasizes integrity as an overriding consideration in processing, reviewing, and adjudicating applications and petitions. Our decision-making process today is more robust and thorough than it has ever been—an approach we believe to be consistent with our obligation to individual applicants and the Nation as a whole.

Some key enhancements to our process include the following:

- The creation of our National Security and Records Verification Directorate to oversee fraud cases;
- The establishment of a Transformation Program Office to guide vital improvement of the agency through business modernization, information technology enhancements, and long-term resource allocation to update the agency and its infrastructure for 21st century service delivery; and
- Improved USCIS web-based services and tools that allow our customers to schedule appointments, change their address, access the status of their case online, and submit certain applications through e-filing.

Where Does this Take Us?

This surge will have a serious impact on application processing times for the next couple of years. As a result, based on our response plan, most customers will wait much longer to have their applications completed. As we have reported, the average processing time for naturalization applications has increased from the current average of seven months or less to approximately 18 months. Family-based adjustment-of-status applications increased from the current average of six months or less to 12 months. Our two-year response plan will help us accomplish reducing processing times to six months by the third quarter of Fiscal Year 2010.

Conclusion

I believe this hearing and the meetings I have had with many of you provide an opportunity for a healthy dialogue on this subject. I look forward to hearing your views and input as to how we are managing this workload. USCIS understands the need to balance and prioritize work to ensure the best possible service for all our customers without jeopardizing national security or the integrity of the adjudications process. As our agency moves beyond the limitations of its previous fee structure, we remain committed to our promise of maintaining the integrity of our immigration system and providing the service our customers seek and deserve. I welcome any questions you may have.

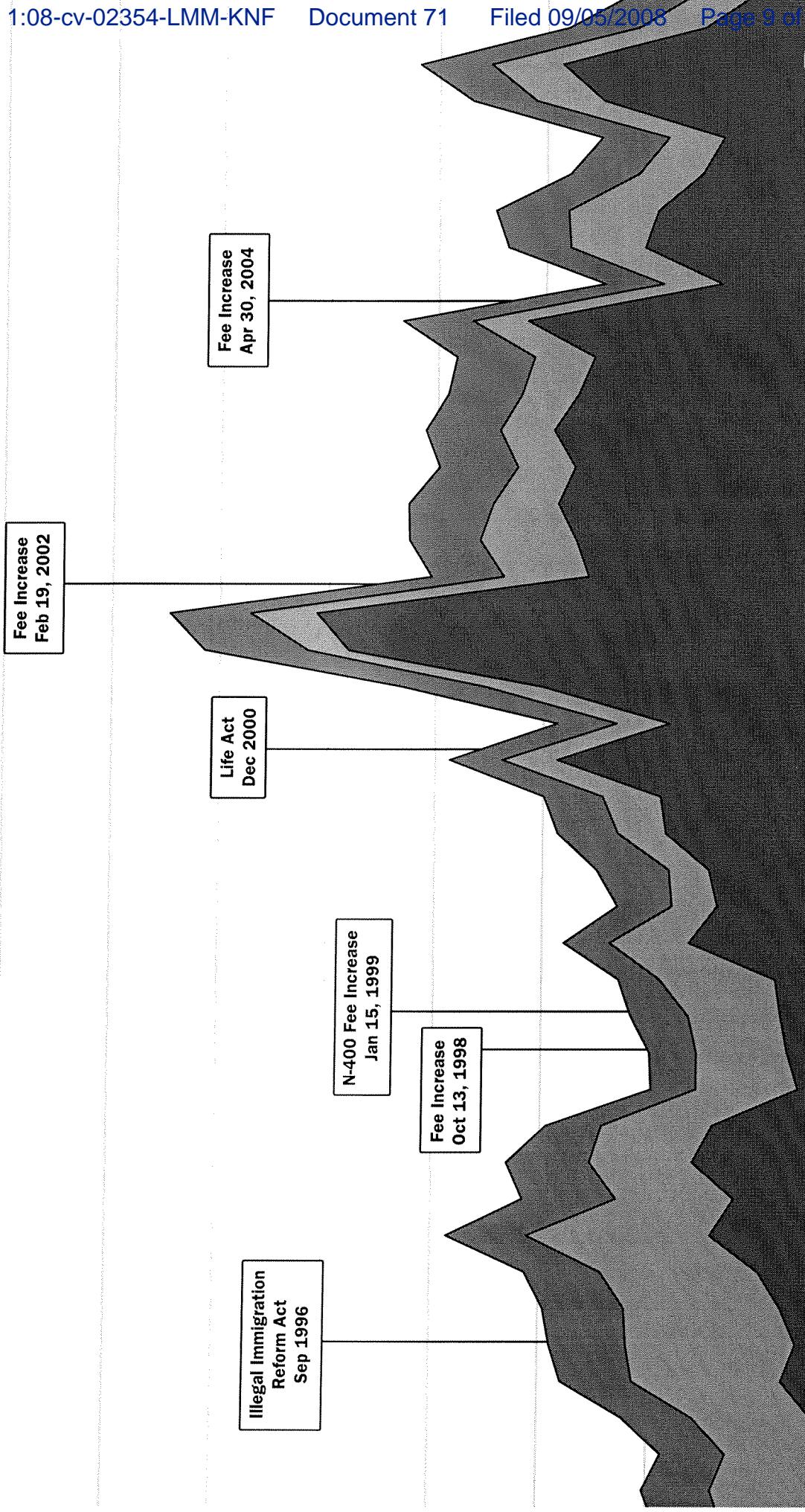


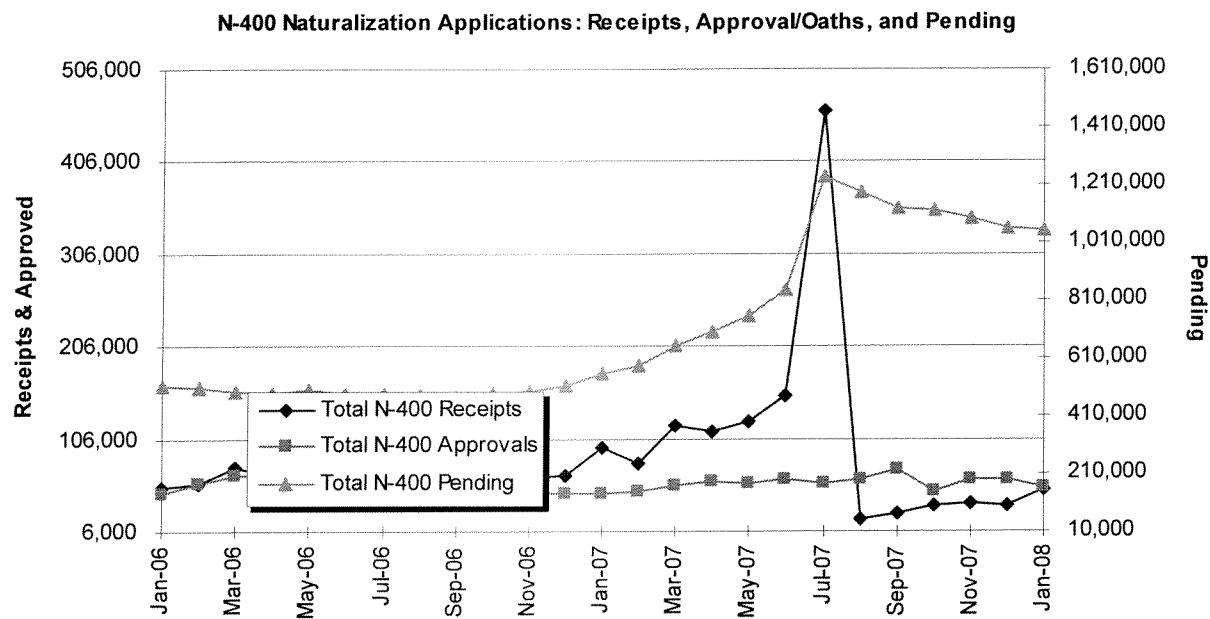
EXHIBIT R

N-400 NATURALIZATION BENEFITS

Naturalization receipts in January 2008 decreased 46 percent when compared to January 2007, while approvals/oaths increased by 16 percent and denials increased 16 percent.

	<i>January 2008</i>	<i>Month January 2007</i>		<i>% Change</i>	<i>FY 2008 to Date</i>	<i>Fiscal Year FY 2007 to Date</i>		<i>% Change</i>	<i>Total FY 2007</i>
		<i>January 2007</i>	<i>% Change</i>			<i>FY 2007 to Date</i>	<i>% Change</i>		
Initial Receipts	51,994	95,620	-46%		155,346	287,582	-46%		1,383,275
Approvals/Oaths	54,477	46,911	16%		228,045	185,003	23%		659,233
Denied	8,490	7,292	16%		29,342	28,000	5%		89,679
Pending	1,051,186	556,653	89%		1,051,186	556,653	89%		1,128,966

Data source: PAS G-22.3



- The number of pending N-400 cases reached 1,051,186 in January 2008, an increase of 89 percent compared to the same month in fiscal year 2007.

EXHIBIT S



2006 Yearbook of Immigration Statistics

Office of Immigration Statistics



Homeland
Security

2006 Yearbook of Immigration Statistics

Office of Immigration Statistics

September 2007

U.S. DEPARTMENT OF HOMELAND SECURITY

Michael Chertoff
Secretary

Office of Policy

Stewart A. Baker
Assistant Secretary

Office of Immigration Statistics

Michael D. Hoefer
Director



**Homeland
Security**

To Purchase the Yearbook of Immigration Statistics

Copies of the Yearbook of Immigration Statistics can be purchased from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161. Orders may be placed by mail, phone (1-800-553-6847) or online (<http://www.ntis.gov>).

The Yearbook is also offered for sale by the Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954. Orders may be placed by mail, phone (1-866-512-1800; for the Washington, D.C. metro area, 202-512-1800), fax (202-512-2104), or online (<http://bookstore.gpo.gov>).

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Cover image: Ellis Island, courtesy of the National Archives 90-G-125-26.

Table 20.

**PETITIONS FOR NATURALIZATION FILED, PERSONS NATURALIZED, AND PETITIONS FOR NATURALIZATION DENIED:
FISCAL YEARS 1907 TO 2006 – Continued**

Year	Petitions filed	Persons naturalized			Not reported	Petitions denied
		Total	Civilian	Military ²		
1966.....	104,853	103,059	100,498	2,561	-	2,029
1967.....	108,369	104,902	102,211	2,691	-	2,008
1968.....	103,085	102,726	100,288	2,438	-	1,962
1969.....	102,317	98,709	93,251	5,458	-	2,043
1970.....	114,760	110,399	99,783	10,616	-	1,979
1971.....	109,897	108,407	98,858	9,549	-	2,028
1972.....	121,883	116,215	107,740	8,475	-	1,837
1973.....	126,929	120,740	112,944	7,796	-	1,708
1974.....	136,175	131,655	124,807	6,848	-	2,210
1975.....	149,399	141,537	135,323	6,214	-	2,300
1976 ³	199,152	190,722	183,578	7,144	-	2,799
1977.....	186,354	159,873	154,568	5,305	-	2,845
1978.....	168,854	173,535	168,409	5,126	-	3,894
1979.....	165,434	164,150	158,276	5,874	-	3,987
1980.....	192,230	157,938	153,343	4,595	-	4,370
1981.....	171,073	166,317	162,227	4,090	-	4,316
1982.....	201,507	173,688	170,071	3,617	-	3,994
1983.....	187,719	178,948	175,678	3,196	74	3,160
1984.....	286,440	197,023	192,113	2,965	1,945	3,373
1985.....	305,981	244,717	238,394	3,266	3,057	3,610
1986.....	290,732	280,623	275,352	2,901	2,370	5,980
1987.....	232,988	227,008	224,100	2,402	506	6,771
1988.....	237,752	242,063	239,541	2,296	226	4,304
1989.....	227,692	233,777	231,198	1,954	625	5,200
1990.....	233,843	270,101	246,845	1,630	21,626	6,516
1991.....	206,668	308,058	299,373	1,804	6,881	6,268
1992.....	342,238	240,252	222,519	5,702	12,031	19,293
1993.....	521,866	314,681	303,211	7,069	4,401	39,931
1994.....	543,353	434,107	402,050	6,194	25,863	40,561
1995.....	959,963	488,088	474,169	3,862	10,057	46,067
1996.....	1,277,403	1,044,689	926,481	1,261	116,947	229,842
1997.....	1,412,712	598,225	534,756	538	62,931	130,676
1998.....	932,957	463,060	439,416	964	22,680	137,395
1999.....	765,346	839,944	742,749	712	96,483	379,993
2000.....	460,916	888,788	814,796	839	73,153	399,670
2001.....	501,643	608,205	576,671	749	30,785	218,326
2002.....	700,649	573,708	551,628	1,055	21,025	139,779
2003.....	523,370	463,204	449,650	3,870	9,684	91,599
2004.....	662,796	537,151	520,771	4,668	11,712	103,339
2005.....	602,972	604,280	589,269	4,614	10,397	108,247
2006.....	730,642	702,589	684,484	6,259	11,846	120,722

NA Not available.

- Represents zero.

¹ Data on naturalizations were first compiled by a single federal agency with the establishment of the Naturalization Service in 1906. The year 1907 includes naturalizations from September 27, 1906 to June 30, 1907.

² Data on military naturalizations prior to 1918 not available. Special provisions for military naturalizations expired or suspended in 1925 and 1935.

³ Includes the 15 months from July 1, 1975 to September 30, 1976 because the end date of fiscal years was changed from June 30 to September 30.

Source: U.S. Department of Homeland Security.

EXHIBIT T

KENNEDY QUESTIONS FBI DIRECTOR MUELLER ON NATURALIZATION PROCESS

UNITED STATES SENATE JUDICIARY COMMITTEE HEARING

March 5, 2008

FOR IMMEDIATE RELEASE

(As Prepared for Delivery)

I thank Chairman Leahy for scheduling this important hearing. It is particularly timely in light of the severe backlog in naturalization applications that are pending adjudication, a process that is overseen jointly by USCIS and the FBI.

Last year, after it was announced that the fees for naturalization would be more than doubled from \$330 to \$595, almost a million and a half immigrants applied for naturalization, and 1 million of them are still waiting. These are people who have made America their home. They've raised their families here, worked hard and paid taxes. Thousands of them have served in our armed forces, many in Iraq and Afghanistan, and they deserve to become citizens if they qualify.

Until this Administration, citizenship applicants could rest assured that they would be sworn in as new citizens within six months after they applied for naturalization. Prior to last year, this Administration was itself completing the

adjudications within seven months. But now it is projecting delays of 16 to 18 months. This is an outrage.

Past experience has shown that increases in fees produce a surge in naturalization applications, as immigrants file to beat the price increase. That's simple economics. It's human nature. There was a fee increase in October 1998, and applications increased sharply. There was a fee increase in February 2002, and applications increased sharply. The same held true after fee increases in April 2004. This Administration was well aware of this history. It also knew that several major organizations were conducting extensive citizenship campaigns. It knew that an immigration debate was raging in Congress, which was making immigrant communities nervous about their future. It knew that immigrants—like immigrants before them—would be eager to participate in the upcoming Presidential election. It should have known that people would apply.

But it did nothing to prepare for the surge in applications. If it had prepared, and held the average adjudication wait to seven months, more than a million new Americans would be eligible to vote this fall. Think of that — a million Americans denied the vote because of a lack of planning.

Citizenship is a precious dream for many immigrants. It symbolizes their full acceptance into American society. For many, it means that they will be able for the first time in their lives to participate in a democratic process. When I speak to new Americans, they often comment that two of their most memorable moments are the citizenship swearing-in ceremony and the first time they enter a voting booth.

Martin Luther King called the right to vote "civil right number one." In our nation of immigrants, the grant of voting rights to each new generation of arrivals has bound us together as a people and been essential in preserving our democracy.

To deny a million people this unique opportunity is shameful. It's voter suppression, pure and simple. It's not enough to tell these people, who work hard and play by the rules: sorry, maybe next election.

Obviously, we all understand that security clearances are essential to our national security. But we cannot stand silent while the process limps along. National security and welcoming new citizens into our country are not mutually exclusive goals. It's not a question of one or the other—we must do both. Efficient processing of background checks by the FBI serves both national security and voting rights.

EXHIBIT U

U.S. Department of Homeland Security
20 Massachusetts Avenue, N.W.
Washington, D.C. 20529



U.S. Citizenship
and Immigration
Services

Interoffice Memorandum

To: Regional Directors
Service Center Directors
District Directors (except foreign)
Officers in Charge (except foreign)
National Benefit Center Director

From: Michael L. Ayles Associate Director, Domestic Operations

Date: DEC 21 2006

Re: FBI Name Checks Policy and Process Clarification for Domestic Operations

Background

Over the past few years, definitive FBI name checks (hereafter referred to as name checks) have been mandated on several form types as part of the effort to ensure that immigration benefits are provided only to those individuals who are eligible. Name checks search FBI administrative and investigative files based on the name and date of birth of the applicant. These checks have proven to be an effective tool in the identification of potential threats to our national security and in providing other relevant information that may affect the eligibility of an applicant for a benefit. This memorandum explains existing policy for domestic operations regarding name checks in order to provide all employees with a thorough understanding of this specific type of background check and of how the results affect the adjudication of applications for immigration benefits. In addition, several policy changes, which are explained in more detail later in this memorandum, are being instituted in the following areas:

1. Missing or Incorrect Date of Birth (DOB) – A new name check is required for year of birth changes or discrepancies.
2. Validity Period – A name check response can be used for multiple applications if the response is not more than 15 months old.
3. Duplicate Requests – Only one definitive response is necessary per application or within the 15-month validity period.

FBI Name Checks

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4. *Expedited Name Checks* – Mandamus filings will no longer be routinely expedited. The loss of Social Security benefits or other subsistence, however, continue to be a basis for routine expeditious processing.

This memorandum shall not apply to adjudications of I-589 and I-881 applications by the Asylum Division, which shall continue to be governed by the relevant sections of the Identity and Security Checks Procedures Manual. This memorandum also does not apply to adjudications of I-601 waiver applications filed overseas in conjunction with immigrant visa processing, which are subject to CLASS checks, and in some cases SAO clearances.

General Name Check Process

A definitive name check is required for the following form types: I-485, I-589, I-601, I-687, I-698, and N-400. Name checks for Form I-192, Application for Advance Permission to Enter as Nonimmigrant, are still required and will be performed if the form is filed with USCIS. A case may be denied, dismissed, administratively closed, withdrawn, or referred to immigration court prior to obtaining the final results of a name check, but offices may only exercise this option if they implement a post-audit system to monitor for the completion of the name check¹. A completed name check or an initiated check is required prior to the issuance of a Notice to Appear². A name check is not required for a Native American who is being accorded permanent resident status under section 289 of the Immigration and Nationality Act. Most name checks are initiated through data entry of case information into the corresponding processing system. CLAIMS 3 / CLAIMS Mainframe initiate name checks for I-485s and CLAIMS 4 initiates name checks for N-400s. Name checks for I-687s and I-698s must be initiated using a manual spreadsheet process discussed below and in attachment B. An I-601 name check will generally be completed by the associated I-485 name check. However, if an I-601 is filed independently of an adjustment application, then that name check must be initiated using the manual spreadsheet process discussed later in this memo³. The manual spreadsheet process may also be used to initiate name checks that were not otherwise initiated by automated systems. However, there are additional areas of the name check process that require further guidance as follows:

Name Variations:

Name checks are conducted using an applicant's name and date of birth, as listed on the application. Alias submissions and spelling variations do not require a separate check. Names are searched in a multitude of combinations, switching the order of the first, middle, and last names, as well as combinations of just the first and last names, first and middle names, etc (this is referred to as an 'around the clock' search). Through this process, the FBI automatically repositions the names submitted and the check will match against the primary name on record as well as any aliases.

For example, if the name submitted were Jose Garcia Rodriguez, the following names would be checked automatically:

¹ Refer to memorandum titled Closing of Cases with Pending Law Enforcement Checks, dated April 5, 2004.

² Refer to memorandum titled Security Check Requirements Preceding Notice to Appear Issuance, dated March 2, 2004

³ Except for I-601s filed overseas in conjunction with immigrant visa applications.

FBI Name Checks
Page 3

Jose Garcia Rodriguez
Jose Rodriguez Garcia
Jose Garcia
Jose Rodriguez
Garcia Jose Rodriguez
Garcia Rodriguez Jose
Garcia Jose
Garcia Rodriguez
Rodriguez Jose Garcia
Rodriguez Garcia Jose
Rodriguez Jose
Rodriguez Garcia

The name check automatically includes a phonetic search and retrieves records with similar spelling variations (e.g. Rodriguez = Rodrigues). Due to these search methodologies, name checks shall not be resubmitted because of misspellings or use of alias names.

Missing or Incorrect Date of Birth (DOB):

The name check also includes an automatic variation on the DOB that is submitted. The DOB is an important primary value used by the FBI in the name check process. The check includes a search on the exact full date of birth as well as an expanded search on the year of birth. This methodology accounts for the different ways that a date of birth can be written (e.g. the day and the month may be written in different positions). Discrepancies within the day and month of birth do not warrant resubmission of a name check and a new name check should only be initiated if the year of birth is incorrect. If a new name check is required, the manual spreadsheet process must be used.

Missing or Incorrect Place of Birth (POB):

The POB is not used as a value in the initial stages of the name check process. The POB is used as an optional indicator or matching value in the later part of the name check process for only those cases that are returned with an initial response of "pending." See Attachment A for more information.

Missing or Incorrect A-Number:

Name checks are conducted using biographical information relating to the applicant. The Alien Registration Number (A-number) is not used as a variable in the FBI's process. Therefore, name checks performed with an inaccurate or missing A-number are valid and should not be resubmitted for a new check.

In instances where the FBIQUERY system reflects an inaccurate A-number, the system may be corrected by providing the following information to your respective regional office or service center point of contact:

FBI Name Checks
Page 4

Applicant Name
Correct A-number
Incorrect A-number
Synopsis of reason(s) for requesting an A-number correction

Regional offices and service centers should submit A-number correction requests via E-mail to the designated POC at Headquarters' Office of Field Operations, presently Pam Wallace.

Age Limits:

Names checks are required for applicants age 14 years and older **at the time of adjudication** for all of the above-listed form types⁴ **except** Form I-485, which has an upper age limit. CLAIMS 4 processes name check requests for applicants age 14 years and over (no upper age limit) while CLAIMS 3 submits name check requests for applicants between the ages of 14 and 80 years. The upper age limit of 80 years can be misleading in that a name check is conducted only if the applicant's 80th birthday falls on the same day that the USCIS name check utility is performed. If an applicant is 80 years and a day, a name check will not be performed. Until a CLAIMS 3 system modification to remove the upper age limit can be performed, the upper age limit of 80 years will remain in effect. For the purpose of the name check, the upper age limit of 80 years is defined as the date the applicant turns 80 years old. Further, if an applicant is less than 14 years of age at the time of filing but turns 14 years old while the application is pending, then a name check is required. If a new name check is required, the manual spreadsheet process must be used.

Validity Period:

A definitive (No Record "NR" or Positive Response "PR") name check response is valid indefinitely for the application for which it was conducted. If a definitive name check response is used to support other applications, the name check response is only valid for 15 months from the FBI process date. For example, an I-485 is filed on June 1, 2004 and a definitive name check response is processed for that application on December 1, 2004. The I-485 is denied on February 15, 2005, and another I-485 is filed for the same applicant on May 15, 2005. The December 1, 2004, FBI response may be used for the I-485 filed on February 15, 2005, even if another name check has been initiated. However, final adjudication or naturalization must occur within the 15-month validity period or a new name check will be required. Additional information, including a set of frequently asked questions, is included in this memorandum as Attachment A.

Duplicate Requests:

In many instances, duplicate name checks are initiated for a single application. The causes for multiple name check requests are primarily systems issues or resubmission requests made by local offices in an effort to facilitate a name check that is already in a "pending" status. Duplicate requests for the purpose of resolving "pending" name checks must not be initiated. Duplicate requests do not facilitate the resolution of "pending" name checks and only add to the backlog. In addition, duplicate requests for a single application result in multiple name check responses being

⁴Refer to Operating Instructions 105.10.

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posted to the FBIQUERY system. Often, a final response will be received from the FBI and posted to FBIQUERY, but because duplicate requests were made there are additional "pending" responses in the system. Only one definitive response is necessary and adjudication may continue in those instances where a final FBI response has been processed, and is within the 15-month validity period, even though additional "pending" responses remain unresolved for that application.

Manual Spreadsheet Process:

A manual spreadsheet is available to domestic offices to be used when a name check cannot be performed or was not initiated by one of the automated systems. The local offices send their spreadsheets to their respective regional offices on a weekly basis as needed. Regional offices and Service Centers forward the spreadsheets to designated points of contact in Headquarters' Office of Field Operations to initiate the name checks with the FBI. The initial response should appear in FBIQUERY within forty-five (45) days from the date of submission by the local office. See Attachment B for manual spreadsheet instructions and a sample spreadsheet.

There are several situations that may necessitate the initiation of a check outside of the normal data entry process:

1. An applicant turns fourteen (14) years of age during the time his/her case is pending and, therefore, requires a name check to be completed.
2. "NO DATA" response cases: If the FBIQUERY system shows "NO DATA" for a case more than ninety (90) days after the date the information was entered into CLAIMS 3 / CLAIMS Mainframe or CLAIMS 4. If a name check request was submitted through the spreadsheet process and ninety (90) days have passed without a response posted in the database, the local office should contact their regional or service center point of contact in order to verify that the name was included on the weekly report submitted to HQ. If it is verified that the name check was included on the submission to HQ, the regional or service center point of contact should report the missing name check to the HQ point of contact. If the name check cannot be verified as having been forwarded to HQ, then the local office will need to resubmit the name check request on the spreadsheet to their regional or service center point of contact.
3. "ERROR" response cases: If FBIQUERY shows an "ERROR" response, the office with the case must resubmit the case data on the manual spreadsheet if the error has not been corrected in 30 days.
4. Prior to issuance of an NTA if an FBI name check has not been initiated.

Expedited Name Checks:

Cases with significant and compelling issues can have the name check expedited. Cases that are simply "old" or the subject of a congressional inquiry *do not* qualify for an expedited name check unless one or more of the expedite criteria are met. An expedite can be requested by an office

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whether the FBIQUERY system shows "NO DATA" or "PENDING." Requests must meet at least one of the following criteria for expeditious treatment:

1. Military Deployment
2. Age-out cases not covered under the provision of the Child Status Protection Act (CSPA) and applications affected by sunset provisions such as Diversity Visas (DV's).
3. Compelling reasons as provided by the requesting office (e.g. critical medical conditions)
4. Loss of Social Security benefits or other subsistence in the discretion of the District Director

NOTE: In the interest of fairness and in processing cases chronologically mandamus filings are no longer routinely treated expeditiously.

Expedite processing is done via fax to a designated headquarters point of contact. HQ will fax a response to the initiating office, which will serve as evidence that the name check was completed. The fax will be annotated with the final response from the FBI. There may be a delay of 3 weeks or more in updating the FBIQUERY system with the results of an expedited check. However, the faxed response is acceptable for adjudication purposes and should be placed with the case file. See Attachment C for additional information regarding expedited name checks. Expedite requests shall be faxed to the attention of Pam Wallace at (202)-272-1008.

Use of the FBIQUERY System:

The official repository for name check responses is the FBIQUERY system, located on the FBI Tracking Menu in National Systems. A user can access the name check database through the CLAIMS, RNACS, or RAPS sub-menu, or from the CIS system by pressing the 'CLEAR' button and typing 'FBIQUERY.'

Normally, a user should initiate a query in the name check database by using the alien registration number (A#) of the applicant; however, a search can also be initiated by using the name and date of birth. When querying the system by name, it is recommended to broaden the search by changing the "Name Search" value from "F or Full" to "P or Partial." The name check database will provide one of several different results in response to a query. All name check responses from the FBI with process dates on or after December 1, 2002 are valid responses. The system default is to display the most recent data. The table below is a synopsis of the specific codes that a user will see in the name check database:

FBIQUERY System Responses

Code	Description	Action
NR	No Record	Proceed with the adjudication of the application. A printout of the FBI response or the faxed expedited response must be included in the case file.

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PR	Positive Response	An FBI report was sent to HQ FDNS and will be forwarded to the local office. HQ FDNS forwards the report to the office shown as the File Control Office (FCO) in CIS. Do not proceed with the adjudication until the FBI report has been reviewed by the adjudicator and a determination is made based on the content of the report.
IP H I	Pending	The FBI has not completed the background check. Except for N-400 applications ⁵ , an interview can be conducted, but an approval cannot be rendered until a definitive response (either NR or PR) has been received from the FBI. A case may be denied or withdrawn if the office implements a post-audit system.
E	Error	The name check request could not be processed due to formatting or code error. Do not proceed with the adjudication until a definitive response has been received from the FBI. If the error has not been corrected in 30 days, the office should submit a manual name check using the manual spreadsheet process.
D/DD	Duplicate	The FBI previously processed the name check. The original response should be displayed in the name check response database either under the same A# or under the same name/DOB. If no original response can be found, the 'Duplicate' response can be used in its place. In the 'Duplicate' response, the final response information will show the date and the response on the right side of the 'FBI RESPONSE INFORMATION' section. 'FN' means final response and it will be followed by the date and a code for a No Record response (NR) or a code for a PENDING response (H or I).
RC	Request Cancelled	The name check request has been cancelled.
UN	Unknown Response	This is actually a POSITIVE response and follows

⁵ Refer to memoranda regarding N-400 interview without completed FBI name checks, titled Background Checks and Naturalization Interview Scheduling, dated April 25, 2006, and Background Checks and Naturalization Interview Scheduling Follow-Up Memo, dated May 22, 2006.

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the action of "PR" above. The UN code appears because a new code was added by the FBI that is not included in the USCIS conversion tables. Therefore the system defaults to UN or Unknown. The HQ FBIQUERY system technical team has been tasked to correct the response information in the system.

No Data Found	No Data Found	The query provided no information that a name check has been initiated. If you checked by A#, you should also search by the name/DOB. Change the "F" to a "P" in the NAME SEARCH field in the lower part of the FBI Query screen when querying by name/DOB. If, after 90 days from the data entry date of the case, or if 90 days after the name data was provided on a manual spreadsheet, the database still shows 'no data', then the case information should be submitted (or resubmitted) using the manual spreadsheet process.
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The response codes listed above are not necessarily the actual response codes returned by the FBI. The FBI uses many different response codes but for purposes of consistency and simplicity, USCIS consolidates the original FBI responses into the codes noted above. On occasion, primarily with manual Name checks and duplicate responses, the internal FBI response code will appear in the FBIQUERY database. The following codes are considered NO RECORD responses: ND, NP, and NR. The codes DS, RP, OC, and RF, are considered POSITIVE RESPONSE results and offices must wait for a report from FDNS. Additional information regarding the processes supporting positive responses is explained later in this memorandum.

Positive Responses (PR):

In instances where the name check produces a positive response, a report detailing the information contained in the FBI record is returned to USCIS and, ultimately, the report is forwarded to the field office or service center shown as the A-file File Control Office (FCO) in the Central Index System (CIS). Prior to June 7, 2004, the Immigration and Customs Enforcement (ICE) Law Enforcement Support Center (LESC) forwarded FBI G-325 positive responses to the field offices and service centers, but on June 7, 2004, the HQ Office of Fraud Detection and National Security (HQ FDNS) assumed that responsibility⁶. All FBI reports are sent to HQ FDNS for preliminary review before being forwarded to field offices and service centers.

⁶ Refer to memorandum titled FDNS Processing of Positive FBI Responses to G-325 Name Checks, dated October 21, 2004

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HQ FDNS will contact the third agencies identified by the FBI for the files referenced in the FBI's positive response record, unless the *third agency is identified as a local agency in respect to the local USCIS office*. Further, if FDNS determines the FBI report includes information relating to National Security, the case will be referred to the National Security Adjudication Unit.

If more than 90 days have elapsed after the posting of a "PR" result in the FBIQUERY system without a report being received, and the office is the FCO as shown in CIS, the office should contact HQ FDNS to inquire about the status of the PR record. Offices may contact Mr. Robert Kruszka at HQ FDNS via E-mail.

Hardcopy Responses:

Hardcopy responses are acceptable for documenting the name check results. In nearly all instances, hardcopy responses will be used for expedited checks, but hardcopy responses are not limited to expedited cases.

Points of Contact

Questions regarding this memorandum should be directed through appropriate supervisory and operational channels to the attention of Greg Collett, 202-272-1023, HQ Field Operations. Local offices should work through their regional offices.

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ATTACHMENT A
Frequently Asked Questions Regarding FBI Name Checks

What do I do if there is an NR and an IP/E update in the FBIQUERY system?

If multiple records appear for the same application, only one definitive response is necessary. Adjudication may continue in those instances where a final FBI response has been received even though additional "pending" responses remain unresolved for that name. Likewise, a definitive response may be used with another application if final adjudication occurs within 15 months of the FBI process date. Applications can continue to be denied, dismissed, administratively closed, withdrawn, or referred to immigration court because of reasons other than the name check, but only if the office implements a post-audit system to monitor for the completion of the name check⁷.

At the time of final adjudication, or at time of oath for naturalization applicants, the FBIQUERY system shall be checked again to determine if any "pending" responses have subsequently resulted in a "PR." In instances where a "PR" is returned, adjudication shall cease and offices are to follow the guidance provided in the memo relating to positive responses.

If an applicant's primary name changes between the time of filing and the time of adjudication, does the new name need to have a name check conducted prior to an approval adjudication?

No, USCIS does not need to conduct a name check on the applicant's new name.

What do I do if the DOB in the system is wrong?

For name checks initiated by automated systems (CLAIMS 3, CLAIMS 4, RAPS) and for name checks submitted on the manual spreadsheet, the FBI searches the entire year of the submitted date of birth. For example, if a date of birth is March 1, 1980, the FBI will do a search for all dates in the year 1980. Therefore, if the year of the date of birth is incorrect, you should resubmit the name via the manual spreadsheet using the correct year of the date of birth. Stated another way, if only the month and/or the day of the date of birth are incorrect, a new name check is not required.

For expedited name checks that are faxed to HQ and manually checked at the FBI, the FBI will search the date of birth provided and also do a search by reversing the day and the month of the date provided. The FBI will not search the entire birth year for these expedited checks. For example, if an expedited name check has a date of birth of March 10, 1980, the FBI will also search using a date of birth of October 3, 1980.

If the date of birth does not meet the above guidelines and a new name check is needed with the corrected date of birth, you should resubmit the name using the correct date of birth on the

⁷ Refer to memorandum titled Closing of Cases with Pending Law Enforcement Checks, dated April 5, 2004

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manual spreadsheet or, if for an expedited name check, via fax to the HQ point of contact for expedited name checks.

What do I do if the applicant's A-number is wrong in the FBIQUERY system?

The name search is based on the name and date of birth of the applicant. If a record can be located in the name check database using a name/DOB search, the record can be used. Name checks performed with an inaccurate or missing A-number are valid and should **not** be resubmitted for a new check. See page 3 and 4 of this memo for information on how to submit an A-number correction.

What do I do if the applicant's Place of Birth is incorrect/missing?

The place of birth does not need to be displayed in the response to make the response valid. The FBI does not consider the POB in the initial query so if the initial response from the FBI is No Record, the POB was not needed. If the incorrect POB was submitted and the initial response is PENDING, a new name check is required and the manual spreadsheet process must be used.

What do I do if the applicant's name is misspelled in FBIQUERY?

Misspelled names are not required to be re-run. The FBI uses an "around the clock" name search engine combined with a phonetics search logic that takes into account misspellings, name variations, and alias names. This means that all probable variations of a name are checked to include spelling and the order of names.

Does a name check expire?

A name check response is valid indefinitely for the application for which it was conducted. In addition, a definitive name check response may be used to support other applications but, when used for another application, the response is only valid for 15 months from the FBI response date.

How do I obtain third agency information?

Prior to June 7, 2004, the Immigration and Customs Enforcement (ICE) Law Enforcement Support Center (LESC) forwarded FBI G-325 responses to the field when the name check was updated as "PR." Since June 7, 2004, the HQ Office of Fraud Detection and National Security (HQ FDNS) assumed that responsibility⁸. For additional information, refer to the October 21, 2004 memorandum issued by Don Crocetti entitled FDNS Processing of Positive FBI Responses to G-325 Name Checks.

⁸ Refer to memorandum titled FDNS Processing of Positive FBI Responses to G-325 Name Checks, dated October 21, 2004

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If more than 90 days have passed after the posting of a "PR" result without a report being received and the office is the FCO as shown in CIS, then the office should contact HQ FDNS to inquire about the status of the PR record. Offices may contact their regional or service center point of contact for assistance in requesting another copy of the PR report, if that is required.

A case has been listed as PENDING for several months; should I resubmit it?

No. Although some cases seem to take an inordinate amount of time to move from a PENDING response to a final response, submitting a second check will actually delay clearance. Check with your supervisor to determine if the case warrants expeditious processing.

EXHIBIT V

**Instructions for N-400,
Application for Naturalization**

Instructions

Please read these instructions carefully to properly complete this form. If you need more space to complete an answer, use a separate sheet(s) of paper. Write your name and Alien Registration Number (A #), if any, at the top of each sheet of paper and indicate the part and number of the item to which the answer refers.

What Is the Purpose of This Form?

Form N-400 is an application for U.S. citizenship (naturalization). For more information about the naturalization process and eligibility requirements, please read *A Guide to Naturalization* (M-476). If you do not already have a copy of the *Guide*, you can get a copy from:

1. The USCIS website (www.uscis.gov);
2. The USCIS toll-free forms line at **I-800-870-3676**; or
3. The USCIS National Customer Service Center (NCSC) at **1-800-375-5283 (TTY:1-800-767-1833)**.

When Should I Use Form N-400?

You may apply for naturalization when you meet **all** the requirements to become a U.S. citizen. The section of the *Guide* called "Who is Eligible for Naturalization" and the Eligibility Worksheet found in the back of the *Guide* are tools to help you determine whether you are eligible to apply for naturalization. You should complete the Worksheet before filling out the Form N-400 application.

If you are applying based on five years as a Lawful Permanent Resident or based on three years as a Lawful Permanent Resident married to a U.S. citizen, you may apply for naturalization up to 90 days before you meet the "continuous residence" requirement. You must meet all other requirements at the time that you file your application with us.

Certain applicants have different English and civics testing requirements based on their age and length of lawful permanent residence **at the time of filing**. If you are over 50 years of age and have lived in the United States as a lawful permanent resident for periods totaling at least 20 years, or if you are over 55 years of age and have lived in the United States as a lawful permanent resident for periods totaling at least 15 years, you do not have to take the English test, but you have to take the civics test in the language of your choice.

If you are over 65 years of age and have lived in the United States as a lawful permanent resident for periods totaling at least 20 years, you do not have to take the English test, but you have to take a simpler version of the civics test in the language of your choice.

Who May File Form N-400?

To use this form you must be **ONE** of the following:

1. A Lawful Permanent Resident for at least five years and at least 18 years old;
2. A Lawful Permanent Resident for at least three years and at least 18 years old,

AND

You have been married to and living with the same U.S. citizen for the last three years,

AND

Your spouse has been a U.S. citizen for the last three years.

3. A member of one of several other groups eligible to apply for naturalization (for example, persons who are nationals but not citizens of the United States) and at least 18 years old. For more information about these groups, please see the *Guide*.
4. A person who has served honorably in the U.S. Armed Forces,

AND

If you are at least 18 years old, a Lawful Permanent Resident with at least one year of U.S. Armed Forces service, and you are filing your application for naturalization while still in the service or within six months after the termination of such service.

OR

You served honorably as a member of the Selected Reserve of the Ready Reserve or in active-duty status during a designated period of hostilities. You then may apply for naturalization without having been physically present in the United States for any specified period.

For more information, please go to the USCIS website at www.uscis.gov.

NOTE: If you are married to a U.S. citizen who is employed or deployed abroad, you may in some circumstances be eligible for expedited naturalization under section 319(b) of the Immigration and Nationality Act (INA). For further assistance, please see the *Guide*.

Who May Not File This Form N-400?

In certain cases, a person who was born outside of the United States to U.S. citizen parents is already a citizen and does not need to apply for naturalization. To find out more information about this type of citizenship and whether you should file a Form N-600, "Application for Certificate of Citizenship," read the *Guide*.

Other permanent residents under 18 years of age may be eligible for U.S. citizenship if their U.S. citizen parent or parents file a Form N-600 application in their behalf. For more information, see "Frequently Asked Questions" in the *Guide*.

General Instructions.

Step 1. Fill Out Form N-400

1. Type or print legibly in black ink.
2. If extra space is needed to complete any item, attach a continuation sheet, indicate the item number, and date and sign each sheet.
3. Answer all questions fully and accurately. State that an item is not applicable with "N/A." If the answer is none, write "none."
4. **Write your USCIS (or former INS) "A"- number on the top right hand corner of each page.** Use your "A"- number on your Permanent Resident Card (formerly known as the Alien Registration or "Green" Card). To locate your "A"- number, see the sample Permanent Resident Cards in the *Guide*. The "A" number on your card consists of seven to nine numbers, depending on when your record was created. If the "A"- number on your card has fewer than nine numbers, place enough zeros before the first number to make a *total of nine numbers* on the application. For example, write card number A1234567 as A001234567, but write card number A12345678 as A012345678.
5. Answer all questions fully and accurately.

Step-by-Step Instructions.

This form is divided into 14 parts. The information below will help you fill out the form.

Part 1. Your Name (*the Person Applying for Naturalization*).

- A. **Your current legal name** - Your current legal name is the name on your birth certificate, unless it has been changed after birth by a legal action such as a marriage or court order.

- B. **Your name exactly as it appears on your Permanent Resident Card (*if different from above*)** - Write your name exactly as it appears on your card, even if it is misspelled.
- C. **Other names you have used** - If you have used any other names in your life, write them in this section. If you need more space, use a separate sheet of paper.
- D. If you have **never** used a different name, write "N/A" in the space for "Family Name (*Last Name*)."
- E. **Name change (*optional*)** - A court can allow a change in your name when you are being naturalized. A name change does not become final until a court naturalizes you. For more information regarding a name change, see the *Guide*.
- F. If you want a court to change your name at a naturalization oath ceremony, check "Yes" and complete this section. If you do not want to change your name, check "No" and go to Part 2.

Part 2. Information About Your Eligibility.

Check the box that shows why you are eligible to apply for naturalization. If the basis for your eligibility is not described in one of the first three boxes, check "Other" and briefly write the basis for your application on the lines provided.

Part 3. Information About You.

- A. **U.S. Social Security Number** - Print your U.S. Social Security Number. If you do not have one, write "N/A" in the space provided.
- B. **Date of birth** - Always use eight numbers to show your date of birth. Write the date in this order: Month, Day, Year. For example, write May 1, 1958 as 05/01/1958.
- C. **Date you became a Permanent Resident** - Write the official date when your lawful permanent residence began, as shown on your Permanent Resident Card. To help locate the date on your card, see the sample Permanent Resident Cards in the *Guide*. Write the date in this order: Month, Day, Year. For example, write August 9, 1988 as 08/09/1988.
- D. **Country of birth** - Write the name of the country where you were born. Write the name of the country even if it no longer exists.
- E. **Country of nationality** - Write the name of the country (or countries) where you are currently a citizen or national.
 1. If you are stateless, write the name of the country where you were last a citizen or national.

- 2.** If you are a citizen or national of more than one country, write the name of the foreign country that issued your last passport.
- F. Citizenship of parents** - Check "Yes" if either of your parents is a U.S. citizen. If you answer "Yes," you may already be a citizen. For more information, see "Frequently Asked Questions" in the *Guide*.
- G. Current marital status** - Check the marital status you have on the date you are filing this application. If you are currently not married, but had a prior marriage that was annulled or otherwise legally terminated, check "Other" and explain it.
- H. Request for disability waiver** - If you have a medical disability or impairment that you believe qualifies you for a waiver of the tests of English and/or U.S. Government and history, check "Yes" and attach a properly completed Form N-648, Medical Certification for Disability Exceptions. If you ask for this waiver, it does not guarantee that you will be excused from the testing requirements. For more information about this waiver, see the *Guide*.
- I. Request for disability accommodations** - We will make every reasonable effort to help applicants with disabilities complete the naturalization process. For example, if you use a wheelchair, we will make sure that you can be fingerprinted and interviewed, and can attend a naturalization ceremony at a location that is wheelchair accessible. If you are deaf or hearing impaired and need a sign language interpreter, we will make arrangements with you to have one at your interview.

If you believe you will need us to modify or change the naturalization process for you, check the box or write in the space the kind of accommodation you need. If you need more space, use a separate sheet of paper. You do not need to send us a Form N-648 to request an accommodation. You only need to send a Form N-648 to request a waiver of the test of English and/or civics.

We consider requests for accommodations on a case-by-case basis. Asking for an accommodation will not affect your eligibility for citizenship.

Part 4. Information About Contacting You.

- A. Home address** - Give the address where you now live. Do **not** put post office (P.O.) box numbers here.
- B. Mailing address** - If your mailing address is the same as your home address, write "same." If your mailing address is different from your home address, write it in this part.

C. Telephone numbers - By giving us your telephone numbers and e-mail address, we can contact you about your application more quickly. If you are hearing impaired and use a TTY telephone connection, please indicate this by writing "(TTY)" after the telephone number.

Part 5. Information for Criminal Records Search.

The Federal Bureau of Investigation (FBI) will use the information in this section, together with your fingerprints, to search for criminal records. Although the results of this search may affect your eligibility, we do **not** make naturalization decisions based on your gender, race, or physical description.

For each item, check the box or boxes that best describes you. The categories are those used by the FBI. You can select one or more.

NOTE: As part of the USCIS biometric services requirement, you must be fingerprinted after you file this application. If necessary, USCIS may also take your photograph and signature.

Part 6. Information About Your Residence and Employment.

- A.** Write every address where you have lived during the last five years (including in other countries).

Begin with where you live now. Include the dates you lived in those places. For example, write May 1998 to June 1999 as 05/1998 to 06/1999.

If you need separate sheets of paper to complete section A or B or any other questions on this application, be sure to follow the Instructions in "**Step 1. Fill Out the Form N-400, Number 2**" on **Page 2**.

- B.** List where you have worked (or, if you were a student, the schools you have attended) during the last five years. Include military service. If you worked for yourself, write "self employed." Begin with your most recent job. Also, write the dates when you worked or studied in each place.

Part 7. Time Outside the United States (*Including Trips to Canada, Mexico and the Caribbean*).

- A.** Write the total number of days you spent outside of the United States (including on military service) during the last five years. Count the days of every trip that lasted 24 hours or longer.
- B.** Write the number of trips you have taken outside the United States during the last five years. Count every trip that lasted 24 hours or longer.

- C. Provide the requested information for every trip that you have taken outside the United States since you became a Lawful Permanent Resident. Begin with your most recent trip.

Part 8. Information About Your Marital History.

- A. Write the number of times you have been married. Include any annulled marriages. If you were married to the same spouse more than one time, count each time as a separate marriage.
- B. If you are now married, provide information about your current spouse.
- C. Check the box to indicate whether your current spouse is a U.S. citizen.
- D. If your spouse is a citizen through naturalization, give the date and place of naturalization. If your spouse regained U.S. citizenship, write the date and place the citizenship was regained.
- E. If your spouse is not a U.S. citizen, complete this section.
- F. If you were married before, give information about your former spouse or spouses. In question F.2, check the box showing the immigration status your former spouse had during your marriage. If the spouse was not a U.S. citizen or a Lawful Permanent Resident at that time, check "Other" and explain. For question F.5, if your marriage was annulled, check "Other" and explain. If you were married to the same spouse more than one time, write about each marriage separately.
- G. For any prior marriages of your current spouse, follow the instructions in section F above.

NOTE: If you or your present spouse had more than one prior marriage, provide the same information required by section F and section G about every additional marriage on a separate sheet of paper.

Part 9. Information About Your Children.

- A. Write the total number of sons and daughters you have had. Count **all** of your children, regardless of whether they are:
 - 1. Alive, missing, or dead;
 - 2. Born in other countries or in the United States;
 - 3. Under 18 years old or adults;
 - 4. Married or unmarried;
 - 5. Living with you or elsewhere;

- 6. Stepsons or stepdaughters or legally adopted; or
 - 7. Born when you were not married.
- B. Write information about all your sons and daughters. In the last column ("Location"), write:
1. "With me" - if the son or daughter is currently living with you;
 2. The street address and state or country where the son or daughter lives - if the son or daughter is **not** currently living with you; or
 3. "Missing" or "dead" - if that son or daughter is missing or dead.

If you need space to list information about additional sons and daughters, attach a separate sheet of paper.

Part 10. Additional Questions.

Answer each question by checking "Yes" or "No." If **any** part of a question applies to you, you must answer "Yes." For example, if you were never arrested but *were* once detained by a police officer, check "Yes" to the question "Have you ever been arrested or detained by a law enforcement officer?" and attach a written explanation.

We will use this information to determine your eligibility for citizenship. Answer every question honestly and accurately. If you do not, we may deny your application for lack of good moral character. Answering "Yes" to one of these questions does not always cause an application to be denied. For more information on eligibility, please see the *Guide*.

Part 11. Your Signature.

After reading the statement in Part 11, you must sign and date it. You should sign your full name without abbreviating it or using initials. The signature must be legible. Your application may be returned to you if it is not signed.

If you cannot sign your name in English, sign in your native language. If you are unable to write in any language, sign your name with an "X."

NOTE: A designated representative may sign this section on behalf of an applicant who qualifies for a waiver of the Oath of Allegiance because of a development or physical impairment (see the *Guide* for more information). In such a case the designated representative should write the name of the applicant and then sign his or her own name followed by the words "Designated Representative." The information attested to by the Designated Representative is subject to the same penalties discussed on **Page 7** of these Instructions.

Part 12. Signature of Person Who Prepared the Form for You.

If someone filled out this form for you, he or she must complete this section.

Part 13. Signature at Interview.

Do not complete this part. You will be asked to complete this part at your interview.

Part 14. Oath of Allegiance.

Do not complete this part. You will be asked to complete this part at your interview.

If we approve your application, you must take this Oath of Allegiance to become a citizen. In limited cases you can take a modified Oath. The Oath requirement cannot be waived unless you are unable to understand its meaning because of a physical or developmental disability or mental impairment. For more information, see the *Guide*. Your signature on this form only indicates that you have no objections to taking the Oath of Allegiance. **It does not mean that you have taken the Oath or that you are naturalized.** If USCIS approves your application for naturalization, you must attend an oath ceremony and take the Oath of Allegiance to the United States.

Step 2. General Requirements

All applicants must send certain documents with their application.

For example, if you have been arrested or convicted of a crime, you must send a certified copy of the arrest report, court disposition, sentencing, and any other relevant documents, including any countervailing evidence concerning the circumstances of your arrest and/or conviction that you would like USCIS to consider. Note that unless a traffic incident was alcohol or drug related, you do not need to submit documentation for traffic fines and incidents that did not involve an actual arrest if the only penalty was a fine of less than **\$500** and/or points on your driver's license.

For more information on the documents you must send with your application, see the Document Checklist in the *Guide*.

Translations. Any document containing foreign language submitted to USCIS shall be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English.

Copies. Unless specifically required that an original document be filed with an application or petition, an ordinary legible photocopy may be submitted. Original documents submitted when not required will remain a part of the record, even if the submission was not required.

Where To File?

You must send your Form N-400 application and supporting documents to a USCIS Service Center.

To find the Service Center address you should use, read the section in the Guide called "Completing Your Application and Getting Photographed" or call the NCSC at **1-800-375-5283 (TTY: 1-800-767-1833)** or visit our website at www.uscis.gov and click on "Immigration Forms."

All naturalization applicants filing under the military provisions, Section 328 or 329 of the INA, should file their application at the Nebraska Service Center regardless of geographic location or jurisdiction. Please send your application to:

**Nebraska Service Center
P.O. Box 87426
Lincoln, NE 68501-7426**

What Is the Filing Fee?

The filing fee for a Form N-400 is **\$595.00**.

NOTE: All naturalization applicants filing under the military provisions, Section 328 or 329 of the INA, do not require a filing fee.

An additional biometric fee of **\$80.00** is required when filing this Form N-400. After you submit Form N-400, USCIS will notify you about when and where to go for biometric services.

Applicants 75 years of age or older, are exempt from biometric services fee.

You may submit one check or money order for both the application and biometric fees, for a total of **\$675.00**.

Use the following guidelines when you prepare your check or money order for the Form N-400 and the biometric service fee:

1. The check or money order must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency; and
2. Make the check or money order payable to **U.S. Department of Homeland Security**, unless:
 - A. If you live in Guam and are filing your petition there, make it payable to **Treasurer, Guam**.

- B.** If you live in the U.S. Virgin Islands and are filing your petition there, make it payable to **Commissioner of Finance of the Virgin Islands**.

NOTE: Please spell out U.S. Department of Homeland Security; do not use the initials "USDHS" or "DHS."

Notice to Those Making Payment by Check. If you send us a check, it will be converted into an electronic funds transfer (EFT). This means we will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will usually take 24 hours, and will be shown on your regular account statement.

You will not receive your original check back. We will destroy your original check, but we will keep a copy of it. If the EFT cannot be processed for technical reasons, you authorize us to process the copy in place of your original check. If the EFT cannot be completed because of insufficient funds, we may try to make the transfer up to two times.

How to Check If the Fees Are Correct.

The form and biometric fees on this form are current as of the edition date appearing in the lower right corner of this page. However, because USCIS fees change periodically, you can verify if the fees are correct by following one of the steps below:

1. Visit our website at www.uscis.gov, select "Immigration Forms" and check the appropriate fee;
2. Review the Fee Schedule included in your form package, if you called us to request the form; or
3. Telephone our National Customer Service Center at **1-800-375-5283** and ask for the fee information.

NOTE: If your Form N-400 requires payment of a biometric service fee for USCIS to take your fingerprints, photograph or signature, you can use the same procedure to obtain the correct biometric fee.

Address Changes.

If you change your address and you have an application or petition pending with USCIS, you may change your address on-line at www.uscis.gov, click on "Change your address with USCIS" and follow the prompts. Or you may complete and mail a Form AR-11, Alien's Change of Address Card, to:

**U.S. Citizenship and Immigration Services
Change of Address
P.O. Box 7134
London, KY 40742-7134**

For commercial overnight or fast freight services only, mail to:

**U.S. Citizenship and Immigration Services
Change of Address
1084-I South Laurel Road
London, KY 40744**

Processing Information.

Any Form N-400 that is not signed or accompanied by the correct fee will be rejected with a notice that the Form N-400 is deficient. You may correct the deficiency and resubmit the Form N-400. An application or petition is not considered properly filed until accepted by USCIS.

Initial processing. Once a Form N-400 has been accepted, it will be checked for completeness, including submission of the required initial evidence. If you do not completely fill out the form, or file it without required initial evidence, you will not establish a basis for eligibility and we may deny your Form N-400.

Requests for more information or interview. We may request more information or evidence, or we may request that you appear at a USCIS office for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer required.

Decision. The decision on a Form N-400 involves a determination of whether you have established eligibility for the requested benefit. You will be notified of the decision in writing.

USCIS Forms and Information.

To order USCIS forms, call our toll-free number at **1-800-870-3676**. You can also get USCIS forms and information on immigration laws, regulations, and procedures by telephoning our National Customer Service Center at **1-800-375-5283** or visiting our internet website at www.uscis.gov.

As an alternative to waiting in line for assistance at your local USCIS office, you can now schedule an appointment through our internet-based system, **InfoPass**. To access the system, visit our website. Use the **InfoPass** appointment scheduler and follow the screen prompts to set up your appointment. **InfoPass** generates an electronic appointment notice that appears on the screen.

Penalties.

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this Form N-400, we will deny the Form N-400 and may deny any other immigration benefit.

In addition, you will face severe penalties provided by law and may be subject to criminal prosecution.

Privacy Act Notice.

We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit for which you are filing. Our legal right to ask for this information can be found in the Immigration and Nationality Act, as amended. We may provide this information to other government agencies. Failure to provide this information, and any requested evidence, may delay a final decision or result in denial of your Form N-400.

Paperwork Reduction Act.

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 6 hour and 8 minutes per response, including the time for reviewing instructions, completing, and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3008, Washington, DC 20529. OMB No. 1615-0052. **Do not mail your application to this address.**